



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

7590 03/06/2002

FARKAS AND MANELLI
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/190,129	CANNON ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. U. S. Patent No. 5,155,760 (hereinafter Johnson) in view of Bleile U. S. Patent No. 6,044,148.

Regarding **claim 1**, Johnson teaches a voice messaging system, comprising:
a telephone line interface (see 310 on FIG. 3);
a voice recorder/playback module (see 360 and 370 on FIG. 3 and FIG. 4) [The Answering Machine is the playback module];

a controller adapted to control functions of said voice messaging system (see 120 and 110 on FIG. 1) [The two control units perform the control functions].

Johnson did not disclose detecting a presence of non-ring signal.

However, Bleile teaches a ring signal bypass module adapted to detect a presence of non-ring signal indicating a presence of an incoming call (see column 2, lines 45-47) [This apparatus will detect the FSK signal for an incoming call], and to cause said telephone line interface to place a telephone line in an off-hook condition before reception of an initial ring signal relating to said incoming call (see column 2, lines 61-65) [The FSK receiver cause the telephone line is in an off-hook condition].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Johnson by adding detecting a presence of non-ring signal as taught by Bleile.

The modification will allow the system to detect a presence of non-ring signal such that the central office before the first ring would transmit the messages.

Regarding **claim 3**, Johnson and Bleile as applied to **claim 1** above differ from **claim 3**.

In addition, Johnson teaches a voice messaging system wherein:
said voice messaging system is a telephone answering device (see FIG. 4).

Regarding **claims 4 and 8**, Johnson teaches a method/apparatus for allowing
bypass of ring signal in a voice messaging system, comprising:

answering said incoming call by said voice messaging system before a reception
of any ring signal (see column 9, line 19-25) [The system answers the call after a
predetermined time].

Johnson did not disclose receiving a non-ring signal.

However, Bleile teaches a method/apparatus receiving a non-ring signal
indicating a presence of an incoming call to said voice messaging system (see column
3, lines 57-61) [The pre-ring FSK indicates the presence of incoming calls].

It would have been obvious to one of the ordinary skill in the art at the time the
invention was made to modify Johnson by adding receiving a non-ring signal as taught
by Bleile.

The modification will allow the system to receive a non-ring signal such that the
central office would transmit the FSK signal before the first ring signal.

Regarding **claims 5 and 9**, Johnson and Bleile as applied to **claims 4 and 8** above differ from **claims 5 and 9**.

In addition, Johnson teaches a method/apparatus for allowing bypass of ring signal in a voice messaging system, wherein said answering comprising:

playing an outgoing greeting message to a caller associated with said incoming call without requiring reception of any ring signal relating to said incoming call (see column 7, lines 48-50); and

allowing said caller to record a voice message (see column 8, lines 6-10).

Regarding **claims 6 and 10**, Johnson and Bleile as applied to **claims 4 and 8** above differ from **claims 6 and 10**.

In addition, Johnson teaches a method/apparatus for allowing bypass of ring signal in a voice messaging system, wherein said answering comprising:

allowing a caller associated with said incoming call to record a voice message without requiring reception of any ring signal relating to said incoming call (see column 7, lines 38-50).

Regarding **claims 7 and 11**, Johnson and Bleile as applied to **claims 4 and 8** above differ from **claims 7 and 11**.

In addition, Borland teaches a method/apparatus for allowing bypass of ring signal in a voice messaging system, further comprising:

inputting a request for a transmission of said non-ring signal from a calling party's telephone (see column 7, lines 24-35).

3. **Claims 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Borland et al. U. S. Patent No. 6,128,382 (hereinafter Borland) in view of Bleile.

Regarding **claim 12**, Borland teaches a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, said voice messaging system include voice message memory for recording a voice message, comprising:

providing a ring signal bypass module in said voice messaging system (see column 5, lines 3-8) [The ring/message option logic unit is the ring signal bypass module];

activating said ring signal bypass module based on a request from said calling party (see column 6, lines 4-8) [Requesting to connect directly to an answering machine would activate the non-ring logic unit].

Borland did not disclose answering a call from said calling party before a reception of any ring signal.

However, Bleile teaches a method of bypassing all ring signals to said voice messaging system by answering a call from said calling party before a reception of any ring signal (see column 3, line 66 to column 4, line 5) [This system perform various function before receiving any ring signal one of them could be answering the call by the voice message system in the 4second interval].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Borland by adding answering a call from said calling party before a reception of any ring signal as taught by Bleile.

The modification will allow the system to activate said ring signal bypass module based on a request from said calling party such that the system would perform various other functions on a conventional telephone.

Regarding **claim 13**, Borland and Bleile as applied to **claim 12** above differ from **claim 13**.

In addition, Borland teaches a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

allowing said calling party to record a voice message in said voice message memory before reception of any ring signal (see column 6, lines 29-46).

Regarding **claim 14**, Borland and Bleile as applied to **claim 12** above differ from **claim 14**.

In addition, Borland teaches a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

entering a request for performance of said step of bypassing all ring signals by said calling party (see column 6, lines 4-8).

Regarding **claim 15**, Borland and Bleile as applied to **claim 12** above differ from **claim 15**.

In addition, Borland teaches a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

said request is entered by said calling party before a telephone number of said called party is dialed by said calling party (see column 4, lines 55-59) [The *28 could be used by the caller before dialed a number].

4. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Borland in view of Bleile and in further view of Gunn et al. U. S. Patent No. 5,905,794 (hereinafter Gunn).

Borland and Bleile as applied to **claim 1** above differ from **claim 2** in that they did not disclose detecting a line reversal.

However, Gunn teaches a voice messaging system wherein:

said telephone line interface is adapted to detect a line reversal on said telephone (see column 3, line 66 to column 4, line 1) .

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Borland, Bleile and McKendrick by further adding detecting a line reversal as taught by Gunn.

The modification will allow the system to detect a line reversal such that the system would be capable of placing the telephone line in an off-hook state.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Honda et al is cited for a data communication apparatus and method for performing noiseless data communication using a spread spectrum system (see FIG. 3).

Cox et al is cited for a method of providing calling services during attempt to complete customer call while muting ringing (see FIG. 2B).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
February 28, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.